

St. Mary's, MD

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

BUD'S WOODFIRE OVEN, LLC d/b/a  
AVA'S PIZZERIA

and

Case 05-CA-194577

RALPH D. GROVES

**SUPPLEMENTAL DECISION AND ORDER**

On September 10, 2019, the Respondent, Bud's Woodfire Oven, LLC d/b/a Ava's Pizzeria, filed with the Board in Washington, D.C., an Application for Fees and Expenses pursuant to the Equal Access to Justice Act (EAJA). By Order dated September 12, 2019, the Board referred the Respondent's application to Chief Administrative Law Judge Robert A. Giannasi for appropriate action. Thereafter, on November 6, 2019, Administrative Law Judge Michael A. Rosas, who had decided the underlying case, issued his Supplemental Decision and Order denying the Respondent's EAJA application, and, on that same date, the proceeding was transferred to, and continued before, the Board in Washington D.C. In denying the EAJA application, the Administrative Law Judge found that the sustained complaint allegations based on the unlawfulness of the Respondent's arbitration agreement required denial of the application, and, moreover, that the General Counsel was "substantially justified" in prosecuting the unsustained allegations relating to Groves' discharge due to protected concerted activity.

No statement of exceptions having been filed with the Board, and the time allowed for such filing having expired,

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, and Section 102.48 of the National Labor Relations Board Rules and Regulations, the Board adopts the findings and conclusions of the Administrative Law Judge as contained in his Supplemental Decision and Order, and the recommended Order of the Administrative Law Judge becomes the Order of the Board. Accordingly,

The Respondent's Application for Attorney's Fees and Expenses is denied.

Dated, Washington, D.C., December 19, 2019.

By direction of the Board:

/s/ Leigh A. Reardon

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Associate Executive Secretary